

Notice of Allowability	Application No.	Applicant(s)	
	10/644,391	JAISLE, JENS-WOLF	
	Examiner	Art Unit	
	Thai-Ba Trieu	3748	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1: This communication is responsive to the RCE filed on May 10, 2006.

2. The allowed claim(s) is/are 18-34.

3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of the:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) hereto or 2) to Paper No./Mail Date _____.

(b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____.
3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____.	7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment
4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material	8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance
	9. <input type="checkbox"/> Other _____.

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 10, 2006 has been entered.

Applicant's cooperation in amending the claims to overcome the claim objections relating to indefinite claim language is appreciated.

Claims 18, 27, and 31 were amended.

EXAMINER'S AMENDMENT

The application has been amended as follows:

- In claim 18, line 10, "**the stator**" has been replaced by – **the stators** – (for consistency in claim).

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance: The prior art fails to disclose or renders obvious the claimed combination of a method of cooling magnetic bearing of an exhaust gas turbocharger and an exhaust gas turbocharger including:

" Regarding claims 18 and 27:

the bearings, each having a bearing plate being seated on the shaft and at least one stator lying axially opposite said bearing plate on at least one side, and forming a gap between the bearing plate and the stator, wherein at least one flow duct for supplying air stream to at least one bearing gap formed in the housing, and wherein the radial bearings include a plurality of permanent magnets disposed in the gap between the bearing plates and the stator, the plurality of permanent magnets being arranged in axially adjacent pairs and being polarized so as to attract one another, whereby an axially directed and attracting magnetic field is produced in the gap between the bearing plates and the stators."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Jaisle (US Patent Number 6,846,167 B2) discloses a turbocharger with magnetic bearing system including dampers.
- Vogel et al. (US Patent Number 6,043,580) discloses a rotor dynamic machine for the forwarding of a fluid.
- Wanger (US Patent Number 5,634,326) discloses a spindle for gas bearing of rapidly rotating tool, in particular, for aerostatic bearing of an open-end spinning rotor.
- Davey (US Patent Number 5,481,146) discloses a passive null flux coil magnetic bearing system for translation or rotation.
- Boden et al. (US Patent Number 3,890,019) disclose magnetic bearings.
- Fremerey et al. (Pub. Number Us 2005/0198956 A1) disclose an exhaust gas turbocharger having electro-magnetic bearings.

- Bernus et al. (Pub. Number FR 2785734 A1) disclose a magnetic suspension device for rotatable body having bearings with pole piece pairs and associated permanent magnets.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai-Ba Trieu whose telephone number is (571) 272-4867. The examiner can normally be reached on Monday - Thursday (6:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on (571) 272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

Application/Control Number: 10/644,391
Art Unit: 3748

Page 5

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TTB
June 21, 2006



Thai-Ba Trieu
Primary Examiner
Art Unit 3748